THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 15935 of 2005

Date: 05.10.2005

Between:

1) B.Venkat Rao, s/o. late Krishna Murthy,
r/o. 12-11-316, Warasiguda, Secunderabad
& 4 others

…Petitioners

and

1)The Govt. of Andhra Pradesh, rep. by
its Secretary, Labour, Employment & Training,
Secretariat, Hyderabad & another

…Respondents

ORDER:

The Writ Petition is filed challenging the action of the respondents dated 21.04.2005 and for a consequential direction to second respondent to register quarter no.TRT 13 at Seethaphal mandi, Secunderabad in favour of petitioners 4 and 5.

The facts, in brief, that are necessary for disposal of this Writ Petition

are as follows:

The Government allotted Qtr. No.TRT-13 to the father of petitioners, who purchased the same later on hire purchase basis in instalments; though all the instalments were paid, it was not registered in the name of their father, who died intestate on 19.09.1983; that their mother predeceased their father and the petitioners are the legal heirs of their father; that as directed by second respondent, they obtained succession certificate from the competent authority; thereafter, the petitioners requested to register the said quarter in the names of petitioners 4 and 5 submitting a notarized declaration dated 15.03.2005, and also made a written representation on 23.03.2005 in this regard; but, the second respondent issued the impugned letter dated 21.04.2005 advising the petitioners to obtain amendment to the succession certificate; hence, the Writ Petition.

The respondents filed counter affidavit denying the averments in the petition and contending that the petitioners were directed to bring amended succession certificate after examining the instructions of the government; the request of the petitioners is not in conformity with the Government instructions and succession certificate; hence, the Writ Petition is liable to be dismissed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Labour appearing for the respondents.

The petitioners are the legal heirs of deceased Krishna Murthy. They obtained a succession certificate from the competent authority. The only grievance of the petitioners is that quarter no.TRT-13 at Seethaphal Mandi, Secunderabad is not being registered in the name of petitioners 4 and 5 in spite of the fact that the petitioners 1 to 3 gave unconditional affidavits relinquishing their right over their share in the property. The apprehension of the respondents is that

the other parties may come forward with an application at a later point of time claiming right over the self-same quarter. All the petitioners gave undertaking affidavits before this Court relinquishing their rights in favour of petitioners 4 and 5. At the same time, they shall also give indemnity bonds to the respondents and thereafter, the respondents shall register the house in the name of petitioners 4 and 5.

With the above directions, the Writ Petition is disposed of. No costs.

(K.C.Bhanu, J.)

05.10.2005

DRK